

Wetlands Bureau Decision Report

Decisions Taken
04/20/2009 to 04/26/2009

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2008-02094 BAKER, GREGORY
ENFIELD Smith Pond

Requested Action:

Amend permit to increase impacts from 2224 square feet to 2372 square feet in order to add an additional pipe as required by the Dam Safety Bureau.

APPROVE AMENDMENT:

Dredge and fill a total of 2372 square feet of jurisdictional area in the repair and reconstruction of five earthen berms/dams to stabilize the pond level of Smith Pond, Enfield.

With Conditions:

1. All work shall be in accordance with plans by The Turner Group dated September 28, 2008, and revised through February 16, 2009, as received by the Department on February 17, 2009 and plan sheet C2.3 as revised March 18, 2009, and received April 6, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
4. This permit is contingent on approval by the DES Dam Safety Program.
5. The permittee shall notify the NH Division of Historic Resources of the proposed project prior to the commencement of construction.
6. Work shall be in compliance with the Special Use Permit issued on February 3, 2009 by NH Fish and Game.
7. No stumps, outside of permitted work areas or within the footprint of the berm structures, shall be removed within 50 feet of the reference line per RSA 483-B (see attached fact sheet).
8. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
9. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Water Division permitting staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
10. Work shall be done during low flow and the pond water level shall be at a drawdown.
11. No work shall be done during the loon breeding season. Work shall not occur between May 1 and September 30 unless a waiver of this condition is issued by the DES Wetlands Bureau in consultation with the NH Department of Fish and Game and the Loon Preservation Committee.
12. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
13. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
14. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
15. No equipment shall enter the water.
16. All work shall be done from the top of the bank.
17. The Permittee shall monitor the weather and will not commence work within water, including the installation of cofferdams, when rain is in the forecast.
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands. Faulty equipment shall be repaired prior to entering jurisdictional areas.

19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
21. Prior to commencing work on a substructure located within surface waters, appropriate turbidity controls shall be installed, which may include a coffer dam to isolate the substructure work area from the surface waters.
22. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
23. Work within the surface waters, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
24. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
25. Temporary cofferdams shall be entirely removed immediately following construction.
26. Dewatering of work areas or of dredge materials, if required, shall be conducted in a manner so as to prevent turbidity.
27. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
28. The applicant shall notify DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
29. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
30. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
31. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

The Department reaffirms findings 1-a5 of the original approval:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(h); Projects that disturb more than 200 linear feet, measured along the shoreline, of a lake or pond or its bank.
2. The work will comply with NHDES Executive Order #98-03.
3. The NHDES Dam Safety Bureau lowered the water level within Smith Pond in 2007, by removing a portion of the dike at the new spillway location as the dams at full pond elevation were considered a threat to public safety.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided plans for reconstructing the dams and creating a spillway that meets the criteria of the NHDES Dam Safety Bureau.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
8. DES Staff conducted a field inspection of the proposed project on October 30, 2008. Field inspection determined the wetlands were appropriately delineated and the dams were indeed in poor shape.
9. The applicant has provided a letter of authorization from the owner of Enfield tax map 3, lot 10, Cavicchi Rev Trust, agreeing to the proposed project on their land.
10. The applicant has provided a Special Use Permit from NH Fish and Game for work proposed on their land Enfield Tax Map 7, lot 10.
11. The Enfield Conservation Commission discussed this project at their September 4, 2008 meeting and voted to unanimously approve the proposed project.
12. The applicant has provided a letter of no adverse affect from NH Department of Historical Resources.
13. The Loon Preservation Committee supports the proposed project as it will stabilize the water levels of Smith Pond within the loon breeding season.
14. The proposed project meets Env-Wt 803.06 as the proposed project will enhance habitat that supports rare, threatened, or endangered species, or species of concern, as identified by the natural heritage bureau or by the New Hampshire department of fish and game's New Hampshire Wildlife Action Plan, 2005.
15. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the lacustrine resource, as

identified under RSA 482-A:1.

And makes the following additional findings:

16. This amendment was a result of a request of NH DES Dam Safety.

17. This permit amendment meets the requirements of RSA 482-A:3XIV(a)(4).

2009-00037 GRANITE STATE ELECTRIC CO
SALEM Within 100' Of Prime Wetland

Requested Action:

Perform construction activities resulting in 2,361 sq. ft. of impacts in uplands within 100 feet of a designated prime wetland for work associated with the upgrade of the Granite State Electric Company, d.b.a. National Grid, Spicket River #13 Substation located at 20 Town Farm Road in Salem.

Conservation Commission/Staff Comments:

The Salem Conservation Commission recommends approval of this application. The Town of Salem has requested waiver of the waiting period following the Prime Wetlands public hearing held on April 10, 2009.

APPROVE PERMIT:

Perform construction activities resulting in 2,361 sq. ft. of impacts in uplands within 100 feet of a designated prime wetland for work associated with the upgrade of the Granite State Electric Company, d.b.a. National Grid, Spicket River #13 Substation located at 20 Town Farm Road in Salem.

With Conditions:

1. All work shall be in accordance with plans by Vanasse Hangen Brustlin, Inc. and National Grid dated 05/12/08, as received by DES on January 08, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff and the Salem Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on adjacent designated prime wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), Projects located in or adjacent to prime wetlands designated under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. A Prime Wetlands public hearing was held on this application on April 10, 2009.

2009-00372 LACONIA AIRPORT AUTHORITY
GILFORD Prime Wetland #16

Requested Action:

Impact 10,688 sq. ft. of previously disturbed upland area within the 100' buffer to prime wetland #16 to rehabilitate the terminal apron pavement, add highmast lights and electrical improvements.

Conservation Commission/Staff Comments:
Cons. Comm. has no objections.

APPROVE PERMIT:

Impact 10,688 sq. ft. of previously disturbed upland area within the 100' buffer to prime wetland #16 to rehabilitate the terminal apron pavement, add highmast lights and electrical improvements.

With Conditions:

1. All work shall be in accordance with plans by the Steven J. Smith & Assoc., Inc. dated February 25, 2009, as received by DES on Mar. 2, 2009.
2. The applicant shall notify in writing the DES Wetlands Bureau and the Conservation Commission of his/her intention to start construction no less than five (5) business days prior to the commencement of construction.
3. The boundaries of the Prime Wetland and the limit of disturbance within the 100 ft. Prime Wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the work area is fully stabilized.
4. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. There shall be no further alteration to the Prime Wetland buffer, wetlands or surface waters without amendment of this permit.
11. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
12. The impacts associated with the temporary work shall be restored immediately following construction.
13. Areas having temporary impacts shall be regraded to original contours and stabilized.
14. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
15. There shall be no dredging, removal, or disturbance of any existing vegetative undergrowth within the prime wetland or 100-foot buffer with the exception of the work area allowed by this permit.
16. A land resource professional shall inspect the project to insure compliance with approved plans and permit conditions prior to completion of the project.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence, which demonstrates that, the project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The 100 ft. upland buffer to the Prime Wetland proposed to be impacted by the project currently being used for the same purposes requested in the application.
6. The engineering plans accurately locate the boundary of the wetlands and prime wetlands.
7. The erosion controls, and stabilization methods will protect the current functions of the prime wetlands.

8. The project as approved and constructed in adherence to the approved plans, erosion controls, and conditions of the permit will have no impacts to the Designated Prime wetland and only temporary impacts within the previously disturbed 100 ft. upland buffer.
9. On Mar. 6, 2009, the DES received a letter from the Town of Gilford Conservation Commission noting no objection to the project.
10. Based on the inspection conducted on Jan. 8, 2009 by the DES Wetlands Bureau, the project involves temporary or minimal environmental impacts and all work in jurisdiction is limited to the 100 ft. upland buffer to the Prime Wetland.
11. As required per RSA 482-A:11, the DES held a public hearing prior to the issuance of a permit regarding the project proposing activity in or within 100 ft. of an area mapped, designated and filed as a prime wetland. The public hearing was held on April 20, 2009 and all comments received were favorable or neutral.
12. The project will maintain safety requirements including pavement rehabilitation.
13. As there are no permanent impacts to any function or value, no mitigation is required under rule Env-Wt 703.01(b)(5) and Env-Wt 302.03(d).
14. Based on findings #1-13 above, there is clear and convincing evidence this proposal will have no loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Wt 703.01 Criteria for Approval.

**2009-00484 CHRISTMAS ISLAND RESORT CONDOMINIUM ASSOCIATION, B
LACONIA Lake Winnepesaukee**

Requested Action:

Retain the re-alignment of two major docking structures and 11 tie-off piles providing 28 slips, and repair the existing docking structures as currently configured with no modifications as per plans received on March 19, 2009, on Lake Winnepesaukee, in Laconia.

Conservation Commission/Staff Comments:

No Con Com comments by 04/20/09

APPROVE AFTER THE FACT:

Retain the re-alignment of two major docking structures and 11 tie-off piles providing 28 slips, and repair the existing docking structures as currently configured with no modifications as per plans received on March 19, 2009, on Lake Winnepesaukee, in Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated March 16, 2009, as received by DES on March 19, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction or modification of a major docking facility.
2. The applicant has 1912 feet of frontage along a island property on Lake Winnepesaukee.
3. A maximum of 26 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.

4. The proposed docking facility will provide 28 slips as defined per RSA 482-A:2, VIII as previously permitted under DES permit C-1290.
5. The proposed re-alignment modification does not increase the square feet of impact over the original approval other than the impact for the 11 tie off piles.
6. The tie off piles are required for navigational safety and do not add any additional slips to the docking facility.
7. The re-alignment of the docking system required for navigational safety while docking.
8. Public hearing is not required with the finding that the project will not impact public submerged lands more than the original approved docking system.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2008-00101 **SCANLON, THOMAS**
MEREDITH Lake Winnepesaukee

Requested Action:

Amend permit to replace the two 6 ft x 4 ft concrete pads with two 6 ft x 4 ft pile supported platforms.

Conservation Commission/Staff Comments:

Con Com has no comments

APPROVE AMENDMENT:

Amend permit to read: Permanently remove an existing docking structure and install two 6 ft x 4 ft pile supported platforms and install two 6 ft x 40 ft seasonal docks connected by a 6 ft x 12 seasonal walkway, install a 12 ft x 28 ft seasonal canopy and two PWC lifts in the western slip on an average of 164 ft of frontage on Lake Winnepesaukee, in Meredith.

With Conditions:

1. All work shall be in accordance with plans by The Dock Doctors, as received by DES on April 21, 2009 and dock location plans received on June 30, 2008.
2. This permit will not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
4. The seasonal piers shall be removed from the lake for the non-boating season.
5. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. The pile supported pads shall be completely located behind and above the natural undisturbed shoreline and full lake elevation of 504.32.
8. The pile supported pads shall not be connected by the existing walkway over the bank or any new walkway.
9. Canopies shall be of seasonal construction type with a flexible fabric cover and shall be removed for the non-boating season.
10. PWC lifts shall be of seasonal construction type which shall be removed for the non-boating season.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has an average of 164 feet of shoreline frontage along Lake Winnepesaukee.
5. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.12, Frontage Over 75'.
6. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.12.

2008-00219 PSNH
SWANZEY Unnamed Wetland

Requested Action:

Approve amendment request to temporarily impact an additional 750 square feet and permanently impact an additional 40 square feet of palustrine scrub-shrub wetlands in a utility right-of-way easement for the replacement of the 4.9 mile A-152 electrical transmission line in Swanzeay.

APPROVE AMENDMENT:

Temporarily impact 35,004 square feet and permanently impact 561 square feet of palustrine emergent/scrub-shrub wetlands and intermittent stream in a utility right-of-way easement for the replacement of the 4.9 mile A-152 electrical transmission line in Keene and Swanzeay.

With Conditions:

1. All work shall be in accordance with plans by Public Services of New Hampshire (PSNH) dated December 21, 2007, as received by the DES Wetlands Bureau on February 13, 2008; and plans dated December 21, 2007, and revised though June 06, 2008, and plans dated July 28, 2008, as received by the DES Wetlands Bureau on August 04, 2008; and plans dated December 21, 2007, as received by the DES Wetlands Bureau on August 29, 2008; and plans dated March 20, 2009, as received by the DES Wetlands Bureau on March 24, 2009.
2. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
3. All activity shall be in accordance with the current Comprehensive Shoreland Protection Act.
4. Work shall be completed in frozen or dry conditions or with the use of swamp mats or temporary construction bridges.
5. Prior to the installation; swamp mats shall be inspected for and removed of all vegetative matter.
6. Equipment used shall be designed to have low ground contact pressure or placed on temporary swamp mats so as to minimize rutting of the soils. Swamp mats shall be removed immediately upon completion of work in a particular area so as not to result in permanent impacts.
7. Prior to installation, new wood-pole structures; and upon removal, old wood-pole structures and appurtenances shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. The contractor shall remove the stumps of the old wood-pole structures in wetlands. If removal of the stump(s) will result in increased wetlands impacts, due to increased soil disturbance, the pole(s) shall be cut off at ground level.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
12. Silt fence(s) must be removed once the area is stabilized.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing

season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

14. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

15. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

16. Construction shall be inspected by a qualified wetland scientist, erosion control specialist, or professional engineer to ensure that appropriate protective measures are properly implemented, including those outlined in the plans and documents supporting this permit application and the conditions of this authorization.

17. Any clearing required in utility line rights-of-way shall be in accordance with the "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire." Timber, slash and/or chips shall be removed from wetland areas and shall not be buried in wetlands.

18. There shall be no excavation or operation of construction equipment in flowing water.

19. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering wetlands.

20. Faulty equipment shall be repaired prior to entering wetlands.

21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

22. All refueling of equipment shall occur 100 feet away from surface waters or wetlands during construction.

23. The qualified professional shall submit weekly monitoring reports including the status of the project and the work conducted each week, the status of the erosion control measures, restoration areas and color photographs of work areas and areas recently restored. These reports shall be submitted via e-mail to kpulkkinen@des.state.nh.us.

24. Wetland topsoil shall be stripped and segregated from subsoil and stockpiled separately from subsoil during construction. Soils shall be properly backfilled and restored to pre-existing grades.

25. All temporary impact to wetland shall be regraded to original contours and stabilized within 72 hours following the completion of work and 30 days of the start of work.

26. All temporary impacts to wetlands shall be restored to natural grade, stabilized, and replanted with native vegetation where necessary.

27. Wetlands shall be restored to their pre-construction conditions within the right-of-way, including restoration of original grades, within 5 days of backfill.

28. Mulch within the restoration areas shall be straw or seedless hay.

29. Seed mix within the restoration areas shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturer's specifications.

30. Wetland restoration areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.

31. Wetland restoration shall not be considered successful if sites are newly invaded by nuisance species such as common reed or purple loosestrife during the first full growing season following project completion. The applicant shall work with the DES Wetlands Bureau to attempt to eradicate nuisance species newly found along the right-of-way during this same period.

32. Wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.

33. Stream restoration shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create a healthy riverine system that is replicated in a manner satisfactory to the DES Wetlands Bureau. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing stream sinuosity, changing the slope of the stream, and changing the hydrologic regime.

34. Recreated stream channel beds must maintain the natural stream bed elevation.

35. Stream banks shall be restored to their original grades and to a stable condition within 5 days of completion of construction.

36. The right-of-way shall be monitored and a written report documenting its condition shall be submitted to the DES Wetlands Bureau by July 15 of the year following project completion. The report shall include photographic documentation. The DES Wetlands Bureau shall require subsequent monitoring and may require corrective measures if the right-of-way is not adequately stabilized and restored.

With Findings:

The DES Wetlands Bureau reaffirms finding no.'s 1 & 4 - 13 and amended finding no. 15 added August, 29, 2008:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters.
2. Project construction is not proposed within 50 feet of the Ashuelot River reference line and the proposed project is maintenance of an existing transmission utility line.
3. In correspondence dated February 27, 2008, the Ashuelot River Local Advisory Committee deferred action to the Swanzey and Keene Conservation Commissions given best management practices are implemented and the proposal is the least impacting alternative.
4. The Swanzey Conservation Commission signed the Minimum Impact Expedited Application.
5. In email correspondence dated January 28, 2008, the NHFG Nongame and Endangered Species Program stated it does not anticipate impacts to rare, threatened or endangered wildlife species as a result of the project (NHB07-2063).
6. Application materials state none of the species identified by NHB, except the Dwarf Wedge Mussel, have been identified along the project right-of-way.
7. Application materials state the Dwarf Wedge Mussel has been identified along portions of the Ashuelot River and no construction activities are proposed in or within 50 feet of the Ashuelot River.
8. Project completion in low-flow or frozen conditions may not be possible, and therefore, the project does not meet the minimum impact criteria of Env-Wt 303.04(af) and is minor impact in accordance with Env-Wt 303.03(h).
9. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
10. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
11. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
12. This permit approves impacts in the Town of Swanzey. Impacts in the Town of Keene were approved by Wetlands and Non-Site Specific Permit # 2008-00373.

The DES Wetlands Bureau also makes the following findings:

13. Two amendment requests were received by the DES Wetlands Bureau on August 04, 2008 and August 29, 2008, requesting an additional 30 square feet of permanent wetland impact and 2,554 square feet of temporary impact and an amendment request was received on March 26, 2009 for an additional 40 square feet of permanent wetland impact and 750 square feet of temporarily wetlands impact in the Town of Swanzey only.
14. Total project impacts for both Swanzey and Keene include 561 square feet of permanent wetland impact and 35,004 square feet of temporary wetland impact.
15. Project impacts proposed in Swanzey include 418 square feet of permanent impact and 28,364 square feet of temporary impacts and impacts proposed in Keene include 143 square feet of permanent impact and 6,640 square feet of temporary impact.

2008-00453 DRED, F & L
NEWBURY Lake Sunapee

Requested Action:

Reconstruct and pave an existing parking lot; dredge sediment and debris from wetlands; construct drainage swales and a detention pond with an outlet and stabilize / restore 330 ft. of shoreline erosion impacting 17,740 sq. ft. of palustrine and lacustrine wetlands to reduce erosion into surface waters.

Conservation Commission/Staff Comments:

Cons Comm. letter of June 5, 2008 noted observations and concerns.

Lake Sunapee Assoc. applauds the applicant's efforts and noted some concerns.

Inspection Date: 07/03/2008 by Gino E Infascelli

APPROVE PERMIT:

Reconstruct and pave an existing parking lot; dredge sediment and debris from wetlands; construct drainage swales and a detention pond with an outlet and stabilize / restore 330 ft. of shoreline erosion impacting 17,740 sq. ft. of palustrine and lacustrine wetlands to

reduce erosion into surface waters.

With Conditions:

1. All work shall be in accordance with plans by NH Dept. of Administrative Services Bureau of Public Works and Stantec Consulting Services Inc. as follows:
 - a. Sheets C-8 (9 of 15) and C-9 (10 of 15) revised 2-04-09, as received by the Department on March 13, 2009 and
 - b. Modified planting plan Sheet 10 of 12 revised August 2008, as received by the Department on August 20, 2008
2. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
3. Work within the stream and lake, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow or drawdown.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Temporary cofferdams shall be entirely removed immediately following construction.
6. Construction equipment shall not be located within surface waters.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
13. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
14. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
15. The impacts associated with the temporary work shall be restored immediately following construction.
16. Work shall be conducted in a manner so as to avoid turbidity and sedimentation to surface waters and wetlands.
17. Work shall be conducted in a manner that avoids discharges of sediments to fish spawning areas.
18. At the boat ramp and pond outlet area the shrubs that may be removed are to be stockpiled and reused for bank stabilization either at the ramp area or the shoreline restoration area.

With Findings:

1. This is a minor impact project per rule Env-Wt 303.03(h), projects impacting less than 20,000 sq. ft. of non-tidal wetlands. The bank restoration area would be considered as a minimum impact project, if applied for separately, per rule Env-Wt 303.04(t).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt- Env 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on July 3, 2008. Field inspection determined that in Area 2, the wetland to be dredged is full of sediment, stumps, trash, bricks, wood, old curbing along with large pieces of earth and sod and that the removal of the fill should restore some of the wetland functions including providing water treatment prior to discharging into the lake. It was noted that impacts to Area 1 could be reduced and in the stabilization area the plants along the shoreline should be removed, stockpiled and replanted to help with the bank restoration.
6. During the inspection the NH Fish and Game Dept. indicated that Chandler Brook is a production area for rainbow smelt and is concerned with any additional activity in the brook beyond the proposed "repair".
7. The proposed grading will shed water toward areas of treatment prior to discharge into surface waters.

8. The design will restore and stabilize approximately 330 linear feet of shoreline using stone and covering the bank with 8 in. of loam along with installation of native plant including the re-use of existing plants. The stabilization of the shoreline should reduce the migration of sand along the waterfront.
9. The applicant provided a copy of the Memorandum of Agreement between the NH Dept. of Transportation and the Dept. of Environmental Services noting that there is an exemption from the requirements of the "site specific permit"
10. After reviewing the Dredge and Fill application file, the DES finds that this project does not require a Comprehensive Shoreland Protection Act permit per rule Env-Wq 1406.03 (a), as the department has determined the property owner has incurred substantial liabilities in a reasonable, good faith reliance on the absence of a controlling law or regulation, sometimes called vested rights.
11. The applicant has modified the plans within jurisdictional areas and in response to the DES concerns noted during the field inspection including the elimination of impact area 1, a redesign providing more treatment in the southerly wetland system allowing easier maintenance and modifying the slope of the northerly swale.
12. The Conservation Commission made recommendations and the applicant responded noting that alternative methods were considered and limitations exist, including a high water table that the center row of maple trees will remain, the septic system was approved and the project does not prevent the flow of water.

2008-01264 SEABROOK, TOWN OF
SEABROOK Unnamed Wetland

Requested Action:

Dredge and fill a total of 16,094 sq. ft. of palustrine forested, scrub-shrub and emergent wetlands on this previously disturbed site for work associated with the construction of a municipal Groundwater Treatment Facility to provide clean drinking water to the Town of Seabrook.

Conservation Commission/Staff Comments:

No comments were received from the Seabrook Conservation Commission regarding this project.

APPROVE PERMIT:

Dredge and fill a total of 16,094 sq. ft. of palustrine forested, scrub-shrub and emergent wetlands on this previously disturbed site for work associated with the construction of a municipal Groundwater Treatment Facility to provide clean drinking water to the Town of Seabrook.

With Conditions:

1. All work shall be in accordance with plans by Earth Tech dated July 2008, as received by DES on January 09, 2009.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. This approval is contingent on approval by the DES Alteration of Terrain Program.
4. This approval is contingent on receipt by DES of a one time payment of \$ 57,198.96 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
5. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. This approval is contingent on receipt by DES of a one time payment of \$ 57,198.96 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.

2008-02535 HEATH, RYAN
ALTON Unnamed Stream

Requested Action:

Dredge and fill 640 square feet of intermittent stream for access in the development of 14.5 acres into elderly housing units.

APPROVE PERMIT:

Dredge and fill 640 square feet of intermittent stream for access in the development of 14.5 acres into elderly housing units.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering dated December 21, 2009 and revised through March 29, 2009, as received by the Department on April 21, 2009.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.
4. Work shall be done during periods of non-flow.
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(l); Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application

Evaluation, has been considered in the design of the project.

5. The applicant supplied all of the information required by Env-Wt 304.09(a).

6. The applicant has addressed all the concerns of the NHDES Alteration of Terrain Program.

2008-02706

JOHNSON, SPENCER

WOLFEBORO Lake Winnepesaukee

Requested Action:

Reconfigure an existing 8 ft x 46 ft pile and crib supported dock connected to a 6 ft x 36 ft pile supported dock by a 6 ft x 11 ft walkway by reducing the 8 ft x 46 ft dock to a 6 ft x 45 ft dock, replace the existing crib with 2 piles and repair the existing structure as needed on an average of 299 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE PERMIT:

Reconfigure an existing 8 ft x 46 ft pile and crib supported dock connected to a 6 ft x 36 ft pile supported dock by a 6 ft x 11 ft walkway by reducing the 8 ft x 46 ft dock to a 6 ft x 45 ft dock, replace the existing crib with 2 piles and repair the existing structure as needed on an average of 299 ft of frontage on Lake Winnepesaukee, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Luke Freudenberg dated March 24, 2009, as received by DES on March 31, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. Failure to reduce the dock width from 8 ft to 6 ft shall be considered a willful violation of this permit and RSA 482-A.
4. The repairs shall maintain the location and configuration of the pre-existing structures.
5. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minor impact project per Rule Env-Wt 303.03(d), modification of existing docking structures.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The proposed modification meets the requirements of condition #8 on DES permit 1996-00208.
5. The applicant has an average of 299 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

2008-02725 WARNER, TOWN OF
WARNER Tributary To Bartlett Brook

Requested Action:

Dredge and fill \pm 400 sq. ft. of unnamed perennial stream (tributary to Bartlett Brook) to replace a failing 4-foot x 6-foot x 16-foot stone box culvert with a 8-foot x 8-foot x 30-foot precast concrete open bottom box culvert at West Joppa Road.

APPROVE PERMIT:

Dredge and fill \pm 400 sq. ft. of unnamed perennial stream (tributary to Bartlett Brook) to replace a failing 4-foot x 6-foot x 16-foot stone box culvert with a 8-foot x 8-foot x 30-foot precast concrete open bottom box culvert at West Joppa Road.

With Conditions:

1. All work shall be in accordance with plans by Provan & Lorber, Inc. dated November 2008, as received by the Department on December 15, 2008.
2. Work shall be done during low flow conditions.
3. The applicant shall notify DES in writing of their intention to commence construction no less than 5 business days prior to construction. The estimated length of construction time shall be provided in this notification.
4. The applicant shall notify DES in writing of the completion of construction no less than 10 business days after completion.
5. The application shall provide post-construction photographs of all approved construction referenced in this permit within 30 days of the completion of construction.
6. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. There shall be no excavation or operation of construction equipment in flowing water.
11. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
13. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
14. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
15. Temporary cofferdams shall be entirely removed immediately following construction.
16. Proper headwalls shall be constructed within seven days of culvert installation.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular rip-rap or gravel.
19. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.
20. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
21. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
22. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
23. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.

24. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

25. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. Drainage calculations were provided confirming the proposed culvert will pass a 50-year storm.
3. No comments were submitted from federal agencies, the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.
4. The applicant supplied a copy of the Request for Project Review by the New Hampshire Division of Historical Resources with a letter of transmittal dated November 10, 2008.
5. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00075 LAFRENIERE, LAWRENCE & LISA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Remove an existing 3 ft 10 in x 48 ft seasonal pier and construct a 6 ft x 31 ft piling pier and a 6 ft x 44 ft piling pier connected by a 6 ft x 12 ft walkway in an "h" configuration accessed by 6 ft wide steps constructed in the bank, drive two 3-piling ice clusters, 2 tie-off pilings, and 4 pilings to support a permanent boatlift, and install 2 personal watercraft lifts, and a 14 ft x 30 ft seasonal canopy along an average of 210 ft of frontage on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

No comments from Con Com by 03/13/09

APPROVE PERMIT:

Remove an existing 3 ft 10 in x 48 ft seasonal pier and construct a 6 ft x 31 ft piling pier and a 6 ft x 44 ft piling pier connected by a 6 ft x 12 ft walkway in an "h" configuration accessed by 6 ft wide steps constructed in the bank, drive two 3-piling ice clusters, 2 tie-off pilings, and 4 pilings to support a permanent boatlift, and install 2 personal watercraft lifts, and a 14 ft x 30 ft seasonal canopy along an average of 210 ft of frontage on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction revised March 30, 2009, as received by DES on April 2, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. All portions of the pre-existing seasonal pier shall be completely removed from the frontage prior to the installation of the new docking facility.
4. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. This permit does not allow dredging for any purpose.
9. All seasonal structures shall be removed from the lake for the non-boating season.
10. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be removed for the non-boating season. Further, the flexible fabric cover shall be removed during all seasons of non-use.
11. These shall be the only structures on this water frontage and all portions of the docking structure shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
12. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
13. Pier support pilings shall be spaced a minimum of 12 ft apart as measured center to center.
14. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), construction of a 4 slip permanent docking facility.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 210 feet of shoreline frontage along Lake Winnepesaukee.
6. A maximum of 4 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed docking facility will provide 4 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

MINIMUM IMPACT PROJECT

2008-00436 SWEENEY, SHELIA
FRANKLIN Webster Lake

Requested Action:

After the fact application in support of an emergency authorization issued on March 28, 2008 to repair and stabilize an existing foundation of a boathouse and dwelling with concrete and remove broken concrete sections.

DENY PERMIT:

After the fact application in support of an emergency authorization issued on March 28, 2008 to repair and stabilize an existing foundation of a boathouse and dwelling with concrete and remove broken concrete sections.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a major impact per Rule Env-Wt 303.02(n), "fill in public waters for the purposes of making land."
3. In accordance with Env-Wt 503.01 Emergency Approvals, "(a) Emergency work shall be authorized by the bureau administrator when a threat to public safety or public health exists or significant damage to private property is imminent and the event causing the

emergency occurred within 5 days of the request for emergency approval."

4. In accordance with Env-Wt 503.02 Action After Emergency "(b) Applications as required under Env-Wt 501 shall be submitted for any permanent repairs, restoration, or other activities proposed to be conducted after the emergency has ended."

5. In accordance with RSA 482-A:3,XIV, "(a) In processing an application for permits under this chapter, except for a permit by notification, the department shall: (2) Within 75 days of the issuance of a notice of administrative completeness for projects where the applicant proposes under one acre of jurisdictional impact and 105 days for all other projects, request any additional information that the department is permitted by law to require to complete its evaluation of the application, together with any written technical comments the department deems necessary."

6. In accordance with RSA 482-A:3,XIV, "Any request for additional information shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 60 days of the request, the department shall deny the application."

7. In accordance with RSA 482-A:6 Powers of the Department, "IV. The department may issue an order to any person in violation of this chapter, a rule adopted under this chapter or any condition in a permit issued under this chapter to comply with this chapter, the rule or the permit, and require such remedial measures as may be necessary. Any person to whom such an order is directed may request reconsideration and then appeal as provided in RSA 482-A:10."

Findings of Fact

8. On March 26, 2008, the Wetlands Bureau issued an Emergency Authorization Verification on the lot identified as Webster tax map 74, lot 35, to repair and stabilize an existing foundation of a boathouse and dwelling with concrete and remove broken concrete sections.

9. On March 27, 2008 the agent for the applicant contacted the Department and informed the Department the agent had requested an Emergency Authorization for the wrong town, therefore on March 27, 2008, the Wetlands Bureau re-issued an Emergency Authorization Verification on the lot identified as Franklin tax map 74, lot 35, to repair and stabilize an existing foundation of a boathouse and dwelling with concrete and remove broken concrete sections.

10. Condition #1 of the Emergency Authorization required a follow up application to be filed before June 1, 2008.

11. Condition #2 of the Emergency Authorization required "The follow-up application will demonstrate prior conditions and existing conditions of the boathouse, to include dredge areas and volumes, prior lake bed elevations in the boatslip, materials removed and construction sequence."

12. Condition #3 of the Emergency Authorization required "The owner shall file pre-construction photos and post-construction photos within 30 days of the project's completion."

13. Condition #9 of the Emergency Authorization required "This permit does not allow for any modification to the structure other than the repair of the foundation as indicated on the plans received on March 25, 2008."

14. Condition #10 of the Emergency Authorization required "All dredged material shall be disposed of out of any areas of jurisdiction of the Department."

15. Condition #11 of the Emergency Authorization required "This permit does not allow for the dredging of the boat slip other than the work required to construct the footings and foundations."

16. Condition #12 of the Emergency Authorization stated "This permit does not convey a property right, nor authorize any injury to property of others, nor invasion of rights of others."

17. Condition #13 of the Emergency Authorization stated "This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered."

18. Condition #16 of the Emergency Authorization required "All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet)."

19. On May 30, 2008 the applicant requested an extension of condition #1 of the Emergency Authorization, the date required to file the after the fact application until July 1, 2008.

20. On four separate occasions, July 14, 2008, August 7, 2008, August 22, 2008, and October 03, 2008, the Department contacted the agent to request the submittal of the overdue after the fact application.

21. On October 23, 2008, the Department received an after the fact Standard Dredge and Fill Application for the work conducted under the Emergency Authorization issued on March 26, 2008. This application was 144 days late pursuant to condition #1 of the Emergency Authorization.

22. On December 22, 2008, the Department issued a Request for More Information letter. This letter requested the applicant submit information to address compliance with items # 2, 3, 9, 10, 11, 12, 13, and 16 as required by the conditions of the Emergency Authorization. The Request for More Information letter required a complete response by February 20, 2009 pursuant to RSA

482-A:3.

23. On February 19, 2009, the Department received a letter from the agent requesting an extension until March 19, 2009 to submit the information requested in the Request for More Information letter dated December 22, 2008. The Department agreed to a 30 day extension until March 19, 2009 for submittal of the requested information.

24. On March 20, 2009, the Department received a response to the Request for More Information letter. This response was 1 day late from the signed extension agreement form.

25. The information submitted on March 20, 2009, did not include a plan of the impacts to the adjacent abutting shoreline.

26. The plan submitted on March 20, 2009, indicated tree removal in excess of the limits prescribed in RSA 483-B. This would include the limits prior to July 1, 2009 and the limits as prescribed after July 1, 2009.

27. The photos submitted during different stages of the application process indicate the applicant has filled in areas of public waters to create land.

Rulings

28. The applicant failed to submit the information as required by the Emergency Authorization dated March 26, 2008, conditions 1, 2, 3, 5, 9, 10, 11, 12, 13 and 16 of the Request for More Information dated December 22, 2008, therefore pursuant to RSA 482-A the application is denied.

29. The placement of fill in public waters is not approvable, therefore, this application is denied.

30. The work and fill in public waters exceeds the Emergency Authorization and, therefore, the work may be subject to compliance action by the Department as necessary to remediate the site.

2008-00938 DUBLIN, TOWN OF **DUBLIN Brush Brook**

Requested Action:

Approve reconsideration of the untimely denial for the in-kind replacement of the Brush Brook, Cobb Meadow Road 7-foot, 10-inch x 43-foot CMP arch culvert.

APPROVE RECONSIDERATION:

Approve reconsideration of the untimely denial for the in-kind replacement of the Brush Brook, Cobb Meadow Road 7-foot, 10-inch x 43-foot CMP arch culvert.

With Findings:

1. The application was denied untimely on March 05, 2009.
2. A request for reconsideration was received on March 11, 2009.

A. Grounds for Reconsideration

The request for reconsideration asserts the following as the basis for the request:

1. The Town is not certain how the January 02, 2009, deadline of the Request for More Information letter ("RFMI"), issued by the department on September 04, 2008, was missed. The Town stated, "...we did prepare a letter at your request on or about December 3, which should have been delivered to you. At that time, however, our Town Administrator was away..." The Town also stated they were unable to locate a copy of the letter. In addition, the Town asserts they communicated their intentions to revise the slip-lining proposal to an in-kind replacement because the Town is currently unable to upgrade the culvert due to financial restrictions.

B. Standards and Process for Review

1. RSA 482-A:10, II requires the request for reconsideration shall describe in detail each ground for the request for reconsideration.
2. RSA 482-A:10, III provides that on reconsideration, the Department will receive and consider any new and additional evidence

presented, and make findings of fact and rulings of law in support of its decision after reconsideration.

3. RSA 482-A:10, V provides that the burden of proof is on the party seeking to set aside the department's decision to show that the decision is unlawful or unreasonable.

4. If the department is persuaded by a request for reconsideration of a permit denial was erroneous, the result is that the permit originally requested would be granted.

C. Findings of Fact and Rulings of Law

1. RSA 482-A:3, XIV establishes the process that the department must follow when processing applications and establishes deadlines by which decisions must be made.

2. The subject application was received June 02, 2008 and was determined to be administratively incomplete on June 05, 2008.

3. The applicant submitted outstanding items in a submittal received July 01, 2008.

4. The application was determined to be administratively complete on July 01, 2008.

5. By letter dated September 04, 2008, the department requested more information pursuant to RSA 482-A:3, XIV(b) ("RFMI").

6. The department received an incomplete response to the RFMI on October 14, 2008.

7. By letter dated November 13, 2008, the department issued a general letter listing outstanding items requested in the September 04, 2008, RFMI.

8. The department did not receive a complete response to the RFMI within the 120 days of the request per RSA 482-A:3, XIV(b).

9. Based on RSA 482-A:3, XIV(b) the department denied the application because the issues raised in the RFMI were not addressed.

10. The applicant has met their burden of proving that the department's decision was unreasonable because the Town communicated their intentions to revise the proposal from slip-lining to an in-kind replacement due to financial restrictions and to unknown circumstances the information requested in the RFMI was not received by the department. Additionally, the failing culvert presents a potential safety hazard.

D. Decision

1. Based on the foregoing, the department has granted the reconsideration to the subject application, file number 2008-00938.

2008-02689 ALTON, TOWN OF **ALTON Unnamed Wetland**

Requested Action:

Dredge 288 to remove sediment that has washed into the jurisdictional wetland.

APPROVE PERMIT:

Dredge 288 to remove sediment that has washed into the jurisdictional wetland.

With Conditions:

1. All work shall be in accordance with plans by Stoney Ridge Environmental dated April 2008 and revised through March 31, 2009, as received by the Department on April 3, 2009.

2. The permittee shall designate a qualified professional who will be responsible for construction oversight and monitoring to ensure the restoration area is completed in accordance with the mitigation plan. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

3. The applicant shall notify in writing the DES Wetlands Bureau, the Conservation Commission of their intention to commence construction no less than five (5) business days prior to the commencement of construction.

4. Restoration work shall not occur until roadway improvements to the existing drainage system are completed.

5. Work shall be conducted during low water conditions.

6. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. All work shall be done from the top of the bank.

8. Area of restoration shall be regraded to original contours.

9. All material removed during work activities shall be removed down to the level of the original hydric soils.

10. All material removed during work activities shall be placed out of DES's jurisdiction.

11. Mulch within the restoration area shall be straw.

12. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.

13. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

14. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o); Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2009-00097 PAPROCKI, DAVID
CANDIA Unnamed Wetland

Requested Action:

Motion for Reconsideration filed seeking to reverse the Department's decision in granting Wetlands and Non-Site Specific Permit 2009-0097 on the grounds that the permittee submitted false information on the application.

Conservation Commission/Staff Comments:

The Candia Conservation Commission signed the Minimum Impact Expedited Application.

DENY RECONSIDERATION:

Deny reconsideration and re-affirm decision to fill 2,984 square feet of limited function forested wetland for access and lot development to construct a single-family residential dwelling.

With Findings:

Findings of Fact:

1. On January 22, 2009, the department received a minimum expedited application requesting to impact 2,894 square feet of wetland to create a residential building site.
2. In a letter dated January 23, 2009, the department issued a "Notice of Administrative Completeness Minimum Impact Expedited Application" confirming that the application was accepted as administratively complete.
3. The application references Wetland and Non-Site Specific Permit 1998-1899. This permit was issued to Jeanne Cole on November 27, 1998 to provide access to an eight-lot subdivision. Project specific Condition 3 states: "There shall no further alteration of wetlands for lot development, driveways, culverts, or for septic setback."
4. The applicant states that the 1998 wetland delineation did not include a delineation on Lot 138-7. Because this omission was not included in the initial 1998 delineation, the applicant seeks relief from Condition 3 of Wetland and Non-Site Specific Permit 1998-1899.
5. The applicant further states that because this newly-delineated wetland bisects the property and precludes its development, impact is unavoidable, and further compromised by the subdivision's road construction, which altered the hydrology.
6. On February 18, 2009, DES issued Wetlands and Non-Site Specific Permit 2009-00097 authorizing the applicant to fill 2,984 square feet of limited function forested wetland for access and lot development to construct a single-family residential dwelling.

7. On March 19, 2009, DES received a complaint alleging that the applicant provided false information to DES to justify the granting of the above-referenced permit.
8. The complaint seeks a reversal of a permitting decision rendered by DES.
9. Because the complaint was filed within 30 days of the permit decision and seeks to reverse a decision issued by the department, pursuant to RSA 482-A:10, the complaint will be considered as a Motion For Reconsideration.
10. Final review of the information submitted shows additional wetlands existing on the subject parcel than was originally delineated in 1998.
11. Final review of the information submitted by the complainant fails to provide significant new information that would warrant a department reversal of the approved wetlands permit.

2009-00188 YOUNG, MICHAEL
MILFORD Unnamed Wetland

Requested Action:

Applicant requests to retain 260 square feet of impact for access.

Conservation Commission/Staff Comments:

The Milford Conservation Commission supports the project.

APPROVE AFTER THE FACT:

Retain 260 square feet of impact within a palustrine forested wetland for access to a single family residential lot on 1.49 acres.

With Conditions:

1. All work shall be in accordance with the Wetland & Buffer Restoration and Driveway Plan (Sheet 1 of 1) by Meridian Land Services, Inc. dated January 14, 2009 and revised through April 15, 2009, as received by DES on April 17, 2009.
2. This permit is contingent upon the restoration of approximately 2,460 square feet of wetlands.
3. There shall be no further alteration of wetlands for lot development, driveways, or for any other construction related activities.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Siltation and erosion controls must be removed once the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of forested wetland.
2. The impacts are necessary for access to buildable upland, therefore; the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. On August 16, 2007, NH DES Waste Management Division ("WMD") had been made aware of an hydraulic oil spill. This site is referenced as Site #200708035.
6. The spill has been cleaned up under the guidance of WMD and the site file is closed.
7. The Souhegan River Local Advisory Committee (the "SRLAC"), reviewed the plans of the project and made the following comments: SRLAC feels this is a poor plan. Development of this lot should have never been allowed and mitigation is needed;

favors the restoration; and, recommends no further encroachment into wetlands on the property with a deed restriction.

8. DES makes the following findings with respect to the SRLAC comments: DES has no jurisdiction on the designation of this particular lot as a buildable residential lot, this is the jurisdiction of the Town of Milford; Mitigation is not required, but the owner must restore unauthorized impacts; and DES cannot place a deed restriction on the lot, however, DES can condition that there are no further impacts to jurisdictional areas on the property.

9. Issues raised by abutters have been address in the application under Env-Wt 302.04.

10. The Milford Conservation Commission 'recommends approval of the project.'

11. The abutter identified as David Cassidy of 48 Dearborn St. Milford Tax Map 22 Lot 72 gave consent to the impacts within 20-feet of his boundary line.

EXPEDITED MINIMUM

2009-00486 CONCORD, CITY OF CONCORD Bow Brook

Requested Action:

Proposal to dredge and fill approximately 950 sq. ft. of stream bank and bed (Bow Brook) to replace a failed granite box culvert and associated road surface (Pleasant Street), which failed during the May 2006 flood events. Work in wetlands consists of replacing the 5 ft. wide box culvert with a new 8 ft. wide x 4 high x 50 ft. run concrete box culvert, associated headwalls, wing walls, drainage structures and outlet and inlet protection.

Conservation Commission/Staff Comments:

The Conservation Commission signed the expedited application waiving their right to intervene on the proposed project.

APPROVE PERMIT:

Dredge and fill approximately 950 sq. ft. of stream bank and bed (Bow Brook) to replace a failed granite box culvert and associated road surface (Pleasant Street), which failed during the May 2006 flood events. Work in wetlands consists of replacing the 5 ft. wide box culvert with a new 8 ft. wide x 4 high x 50 ft. run concrete box culvert, associated headwalls, wing walls, drainage structures and outlet and inlet protection.

With Conditions:

1. All work shall be in accordance with plans by City of Concord, N.H. Engineering Department, dated 01/12/09, as received by DES on 03/23/09.
2. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
3. The City shall obtain temporary construction easements or written agreements (if applicable) from affected landowners outside of the existing road right-of-way or City Property and shall supply copies of the easements/agreements to DES Wetlands File No. 2009-00486 prior to construction.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a

minimum of 20 feet of undisturbed vegetated buffer.

9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

10. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

12. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.

13. Temporary cofferdams shall be entirely removed immediately following construction.

14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).

16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

19. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(j) Projects located within the right-of-way of a public road that do not impact bogs, marshes, sand dunes, tidal wetlands, or undisturbed tidal buffer zone, prime wetlands or do not meet the requirements of Env-Wt 303.02(k) and do not exceed any of the following criteria:

(1) Drainage structures shall not exceed 3,000 square feet of dredge or fill in area;

(2) Culverts shall not cross streams 10 feet wide or greater, measured from base of bank slope to base of bank slope;

(3) Wetlands crossed shall have no standing water for 10 months of the year and shall not exceed 50 feet across, measured along the roadway, and the fill width measured at the base of the roadway side slopes shall not exceed 50 feet; or

(4) Shoulder widening shall not exceed 3 cubic yards of fill per linear foot in wetlands that have no standing water for 10 months of the year, and shall not exceed 10 feet of additional encroachment measured from base of slope.

2. The culvert wing walls extend into uplands, the new culvert extends approximately 5 feet beyond the existing culvert outlet with approximately 10 liner feet of inlet and outlet (rip-rap) protection within the stream bed.

3. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 4. The proposed culvert is replacing a granite box culvert and associated roadway surface and drainage structures that failed during the May 2006 flood events.

5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

7. The department inspected the site on April 20, 2009. A large portion of the previous culvert is currently missing with utility lines being temporarily supported by a wooden pole and nylon ratchet straps. The existing storm drainage is directed to the area/stream by adjacent grades, storm drains and a paved drainage swale.

8. The proposed structure appears to provide a larger hydrological opening than currently exists, doesn't appear to add additional storm drainage, will provide safe passage for the public and stabilizes the currently eroding side slopes.

9. The stream appears to be a historically impacted section of Bow Brook that now functions to carry storm water runoff from the surrounding area.

Requested Action:

Proposal to dredge and fill approximately 377 sq. ft. of stream bank and bed (Bow Brook) to replace a failed box culvert and outlet damaged by the May 2006 flood events. Work in wetlands consists of the repair and replacement of the existing box culvert outlet and replacement of the existing drainage structures/box culvert (approximately 155 linear ft.) that carries storm water runoff and Bow Brook under City property, Westbourne Road and Warren Street back to the open stream between the proposed/existing box culvert outlet and inlet of the proposed/existing box culvert under Pleasant Street.

Conservation Commission/Staff Comments:

The Conservation Commission signed the expedited application waiving their right to intervene on the proposed project.

APPROVE PERMIT:

Dredge and fill approximately 377 sq. ft. of stream bank and bed (Bow Brook) to replace a failed box culvert and outlet damaged by the May 2006 flood events. Work in wetlands consists of the repair and replacement of the existing box culvert outlet and replacement of the existing drainage structures/box culvert (approximately 155 linear ft.) that carries storm water runoff and Bow Brook under City property, Westbourne Road and Warren Street back to the open stream between the proposed/existing box culvert outlet and inlet of the proposed/existing box culvert under Pleasant Street.

With Conditions:

1. All work shall be in accordance with plans by City of Concord, N.H. Engineering Department, dated 01/12/09, as received by DES on 03/23/09.
2. The permittee shall coordinate with the NH Division of Historic Resources to assess and mitigate the project's effect on historic resources.
3. The City shall obtain temporary construction easements or written agreements (if applicable) from affected landowners outside of the existing road right-of-way or City Property and shall supply copies of the easements/agreements to DES Wetlands File No. 2009-00487 prior to construction.
4. This permit is contingent on review and approval, by the DES Wetlands Bureau, of final stream diversion/erosion control plans. Those plans shall detail the timing and method of stream flow diversion during construction, and show temporary siltation/erosion/turbidity control measures to be implemented.
5. Work shall be done during low flow.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
12. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
19. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore, stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o) Projects deemed minimum impact by the department based on the degree of environmental impact.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The proposed culvert is replacing a failed box culvert outlet that was damaged during the May 2006 flood events.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The department inspected the site on April 20, 2009. The existing storm drainage is directed to the area/stream by adjacent grades and storm drains.
6. The impact area appears to be a historically impacted section of Bow Brook that now functions to carry storm water runoff from the surrounding area. The stream appears to be a historically impacted culvert section that carries stream and storm water drainage under City property, Westbourne Road and Warren Street back to the open stream channel between the proposed/existing box culvert outlet and Pleasant Street.

2009-00557 HUNTER, WILLIAM & NANCY
WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair an existing "U" shaped docking consisting of a 9 ft 6 in x 33 ft permanent dock connected to a 6 ft x 33 ft permanent dock by a 9 ft 8 in walkway, in kind repair of two adjacent breakwaters using existing rocks which have fallen, on Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application on March 30, 2009

APPROVE PERMIT:

Repair an existing "U" shaped docking consisting of a 9 ft 6 in x 33 ft permanent dock connected to a 6 ft x 33 ft permanent dock by a 9 ft 8 in walkway, in kind repair of two adjacent breakwaters using existing rocks which have fallen, on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated March 09, 2009, as received by DES on April 02, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. The repairs shall maintain the size, location and configuration of the pre-existing structures.
5. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate salutation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided,

and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.

9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2009-00558 HOLTHAM FAMILY QUALIFIED PERSONAL RESIDENT TRUST,
WOLFEBORO Lake Winnepesaukee**

Requested Action:

Repair an existing 60 ft "L" shaped breakwater with a 4 ft x 55 ft cantilevered dock connected to an 8 ft x 27 ft finger dock supported by a 5 ft x 6 ft crib on Lake Winnepesaukee, Wolfeboro.

Conservation Commission/Staff Comments:

Con Com signed Exp Application on March 30, 2009

APPROVE PERMIT:

Repair an existing 60 ft "L" shaped breakwater with a 4 ft x 55 ft cantilevered dock connected to an 8 ft x 27 ft finger dock supported by a 5 ft x 6 ft crib on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated March 09, 2009, as received by DES on April 02, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

LAKES-SEASONAL DOCK NOTIF

2009-00682 VALOTTO-BATES, CYNTHIA
NEW LONDON Little Lake Sunapee

COMPLETE NOTIFICATION:

New London Tax Map 45, Lot# 8, 9 Little Lake Sunapee

2009-00683 RICHARDS, VALLIN
CHATHAM Upper Kimball Pond

COMPLETE NOTIFICATION:

Chatham tax map 1 lot 55 Upper Kimball Pond

2009-00686 MCCONKEY, MARK
FREEDOM Ossipee Lake

COMPLETE NOTIFICATION:

Freedom Tax Map 20, Lot# 5 Ossipee Lake

2009-00687 HICKEY, MICHAEL & LISA
NEWBURY Chalk Pond

COMPLETE NOTIFICATION:

Newbury tax map 29A lot 4 Chalk Pond

PERMIT BY NOTIFICATION

2009-00207 LANDMARK LAND SALES LLC
NEWPORT Unnamed Wetland

Requested Action:

Dredge and fill 306 sq. ft. of palustrine forested wetlands to install a 24-inch x 20-foot culvert for driveway access to a single family residence.

PBN IS COMPLETE:

Dredge and fill 306 sq. ft. of palustrine forested wetlands to install a 24-inch x 20-foot culvert for driveway access to a single family

residence.

With Findings:

1. The Conservation Commission did not sign the PBN; and therefore did not waive their right to intervene pursuant to RSA 482-A:3:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(8), the installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot for noncommercial, recreational, uses that meets the criteria in Env-Wt 303.04(z).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau or the Conservation Commission.
4. A Notification of Forest Management or Timber Harvest Activities Having Minimum Wetlands Impact Notification was approved by the DES Wetlands Bureau for this parcel on October 29, 2008, 2008-02107.

2009-00420 PORTLAND PIPE LINE CORPORATION
LANCASTER Israel River

Requested Action:

Propose to temporarily impact 900 sq. ft. of wetlands for repairs to an existing crude oil pipeline. Wetland impacts are necessary to access and excavate around the silo that contains the check valve that will be replaced with 18 inch diameter pipe.

PBN IS COMPLETE:

Temporarily impact 900 sq. ft. of wetlands for repairs to an existing crude oil pipeline. Wetland impacts are necessary to access and excavate around the silo that contains the check valve that will be replaced with 18 inch diameter pipe.

With Findings:

1. The Conservation Commission signed the PBN waiving their right to intervene pursuant to RSA 482-A:11.
2. This project meets the criteria of NH Administrative Rule Env-Wt 506.01(a)(14), Temporary impacts associated with the inspection, maintenance and repair of existing utility lines within an existing utility right-of-way that meet the criteria of Env-Wt 303.04(af).
3. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

2009-00437 NEWFOUND BOAT CLUB, BARBARA ROBIDOUX
BRISTOL Newfound Lake

Requested Action:

Replace/repair piling supported finger piers.

Conservation Commission/Staff Comments:

Con Com signed PBN March 12, 2009

PBN IS COMPLETE:

Replace/repair piling supported finger piers.

2009-00606 LOCKE, JAMES & LEE
GILMANTON Crystal Lake

Requested Action:

Repair or replacement of an existing retaining wall in kind.

Conservation Commission/Staff Comments:

Con Com did not sign PBN and submitted a letter of concerns

With Findings:

Repair or replacement of an existing retaining wall pursuant to Env-Wt 303.04(c).

**2009-00674 PIER 19 CONDOMINIUM ASSCOIATION, JAMES PILLOW
TUFTONBORO Lake Winnepesaukee**

Requested Action:

Repair an existing docking facility.

Conservation Commission/Staff Comments:

Con Com signed PBN form on April 17, 2009

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

X-SHORELAND RULE WAIVER

**2008-00752 KIRK, PETER & CARYS
SANDOWN Angle Pond**

Requested Action:

Replace two nonconforming primary structures located within the primary buiding setback (the "Setback") with a proposed nonconforming lap pool on property with approximately .23 acres on Angle Pond in Sandown.

Inspection Date: 06/18/2008 by Thomas Gilbert

APPROVE PERMIT:

Replace two nonconforming primary structures located within the primary buiding setback (the "Setback") with a proposed nonconforming lap pool on property with approximately .23 acres on Angle Pond in Sandown.

WAIVER APPROVED: RSA 483-B:9,II(b) is waived to allow the construction of a primary structure that will encroach upon the primary building setback.

With Conditions:

1. All work shall be in accordance with revised plans by Peter Kirk dated April 19, 2009, and received by the Department of Environmental Services ("DES") on April 20, 2009.
2. This approval includes a waiver of RSA 483-B:9,II(b) and, therefore, shall not be effective until it has been recorded at the Rockingham County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 11.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. The project as proposed will impact no existing unaltered areas located within the Natural Woodland Buffer beyond the primary building setback.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The previously existing non-conforming structures were located within the 50 ft primary building setback to Angle Pond and, therefore, fail to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The applicant has proposed to increase the setback of the primary structure by at least 9 ft back from the reference line.
4. The applicant has proposed to plant native vegetation consisting of native shrubs, trees and ground cover chosen from the DES native plantings list.
5. The proposed primary structure shall occupy approximately 494 sq ft less than the combined square footage of the previously existing structures.
6. The applicant has proposed to increase the setback of the primary structure, decrease the total coverage of impervious surface on the property and plant native vegetation, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

CSPA PERMIT

2009-00214 ZABARSKY, DANIEL
SALEM Arlington Lake

Requested Action:

Impact 500 sq ft for the purpose of constructing a cantilevered screened porch and extending an existing deck.

APPROVE PERMIT:

Impact 500 sq ft for the purpose of constructing a cantilevered screened porch and extending an existing deck.

With Conditions:

1. All work shall be in accordance with plans by Meisner Brem Corporation dated September 29, 2008 and received by the Department of Environmental Services ("DES") on February 9, 2009.
2. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. There shall be no expansion of living space associated with the proposed project.
4. No portion of the proposed screened porch shall have permanent foundation walls, insulation, or a heat source.
5. No portion of the screened porch shall be enclosed in whole or in part with glass or any material designed to provide a weather-proof barrier.
6. No portion of the proposed porch shall extend more than 12 feet towards the reference from the foundation of the existing

non-conforming primary structure.

7. There shall be no impacts to native vegetation associated with the proposed project.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
11. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
12. No more than 26.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
13. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
14. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
15. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00326

CONOVER, CALVIN

NORTHUMBERLAND Upper Ammonoosuc River

Requested Action:

Impact 8693 sq ft for the purpose on removing an existing single-family dwelling and constructing an assisted living complex with driveway, parking area and swimming pool building.

APPROVE PERMIT:

Impact 8693 sq ft for the purpose on removing an existing single-family dwelling and constructing an assisted living complex with driveway, parking area and swimming pool building.

With Conditions:

1. All work shall be in accordance with plans by Calvin Conover revised April 8, 2009 and received by the Department of Environmental Services ("DES") on April 8, 2009.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
3. There shall be no impacts to native vegetation between 50' and 150' associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 14.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00421 SILVESTRI, ANTHONY
WAKEFIELD Pine River Pond

Requested Action:

Impact 2,541 sq ft to raze an existing non-conforming structure, construct a conforming residential structure, and replace septic system.

APPROVE PERMIT:

Impact 2,541 sq ft to raze an existing non-conforming structure, construct a conforming residential structure, and replace septic system.

With Conditions:

1. All work shall be in accordance with plans by Land Tech dated April 15, 2009, and received by the Department of Environmental Services ("DES") on April 20, 2009.
2. All actions associated with the installation of the proposed septic system are contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 19% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. The project as proposed will leave approximately 1,976 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 1,249 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

2009-00578 LACONIA DPW, CITY OF
LACONIA Drainage Swale/lake Winnepesaukee

Requested Action:

Impact 120 sq ft for the purpose of constructing a 3'x 12" deep stone mattress under an existing driveway.

APPROVE PERMIT:

Impact 120 sq ft for the purpose of constructing a 3'x 12" deep stone mattress under an existing driveway.

With Conditions:

1. All work shall be in accordance with plans by Laconia Department of Public Works revised April 1, 2009 and received by the Department of Environmental Services ("DES") on April 6, 2009.
2. There shall be no impacts to native vegetation associated with the completion of the proposed project.
3. All impacts within wetlands, surface waters, and their banks shall require a Wetland Permit under RSA 482-A.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands or areas to remain unaltered.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters,

all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

8. No more than 11.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

9. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

11. Any fill used shall be clean sand, gravel, rock, or other suitable material.

2009-00698 PORCIELLO, GREGG
DOVER Bellamy River

Requested Action:

Impact 3,194 sq ft to replace an existing single family dwelling and add two decks and access stairs.

APPROVE PERMIT:

Impact 3,194 sq ft to replace an existing single family dwelling and add two decks and access stairs.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. dated January 7, 2009 and received by the Department of Environmental Services ("DES") on February 6, 2009.

2. No more than 25% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

3. At least 135 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.

5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.

6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.

7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

8. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The proposed decks are allowed in accordance with RSA 483-B:11 and, therefore, do not require a waiver.

CSPA PERMIT W/VARIANCE

2009-00398 **GEORGE, SUSAN**
HOLDERNESS **Squam Lake**

Requested Action:

Impact 1000 sq ft for the purpose of installing a concrete foundation under an existing single family dwelling.

Inspection Date: 04/17/2009 by Grant E Mecozzi

APPROVE PERMIT:

Impact 1000 sq ft for the purpose of installing a concrete foundation under an existing single family dwelling.

VARIANCE APPROVED: RSA 483-B:9 V(A)(i) is varied to allow the removal of native vegetation for the temporary impacts associated with the construction of a foundation.

With Conditions:

1. All work shall be in accordance with plans by NH Environmental Consultants LLC revised March 20, 2009 and received by the Department of Environmental Services ("DES") on March 31, 2009.
2. All areas of native vegetation that will be removed for the proposed project shall be replanted with native trees, shrubs and ground covers upon completion of project installation.
3. This approval includes a variance of RSA 483-B:9, V(A)(i) and, therefore, shall not be effective until it has been recorded at the Grafton County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
4. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No more than 23.0% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
8. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
10. Any fill used shall be clean sand, gravel, rock, or other suitable material.

With Findings:

1. The applicant of their designated agent hereby request a variance of RSA 483-B:9 V(A)(i) for the purpose of constructing a foundation under an existing single-family dwelling.
2. The literal enforcement of the standard would result in an unnecessary hardship as the native vegetation impacted for the completion of the proposed project will be replanted. Additionally, the property is a condominium and there will be no expansion in footprint of the existing primary structure.
3. Granting the variance will not result in the diminution in the value of the surrounding properties as the native vegetation and ground cover to be removed during the project will be replanted upon the completion of the project.
4. Granting the variance will not be contrary to the spirit to RSA 483-B as there will be no increase in impervious surfaces associated with the proposed project and all native vegetation removed during construction will be replanted once the project is complete.
5. Granting the variance will do substantial justice as the project will provide the same or greater degree protection than those that currently existing by replanting all temporary impacts associated with the proposed project with native vegetation.

2009-00419 LAMARCHE, JAY & CAROL
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Impact 10,500 sq ft to remove an existing non-conforming residence and construct a single family residence with an attached garage, reconfigure driveway, remove existing detached garage and abutting concrete pad.

APPROVE PERMIT:

Impact 10,500 sq ft to remove an existing non-conforming residence and construct a single family residence with an attached garage, reconfigure driveway, remove existing detached garage and abutting concrete pad.

VARIANCE APPROVED: RSA 483-B:9(V)(b)(2)(A)(i), is varied to allow for the temporary reduction of unaltered areas during construction.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated March 16, 2009 and received by the Department of Environmental Services ("DES") on March 8, 2009.
 2. This approval includes a variance of RSA 483-B:9, (V)(b)(2)(A)(i) and, therefore, shall not be effective until it has been recorded at the Carroll County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
 3. No more than 27% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
 4. Once completed, this project as proposed will leave approximately 2,355 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. No more of the Natural Woodland Buffer beyond the primary building setback can be altered in order to comply with RSA 483-B:9, V, (b), (2).
 5. The 795 sq ft temporarily altered shall be restored and allowed to revert to natural conditions.
 6. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
 7. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
 8. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
 9. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
 10. Any fill used shall be clean sand, gravel, rock, or other suitable material.
- Area shall be regraded to original contours following completion of work.

With Findings:

1. This project as proposed would temporarily decrease the minimum area to remain unaltered within the natural woodland buffer adjacent to Lake Winnepesaukee in Moultonborough and therefore fails to conform to a minimum standard set forth in RSA 483-B:9(V)(b)(2)(A)(i) of the Comprehensive Shoreland Protection Act.
2. In accordance with RSA 483-B:9, V(g), "the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of adjustment under RSA 674:33, I(b)."
3. A special condition of the land coupled with the minimum area to remain unaltered would prohibit the property owner from replacing the existing nonconforming structure and move it behind the primary building setback.
4. The removal of a non conforming structure and replacement with a structure behind the primary building setback, and the replanting of 795 sq ft of areas that will be left to remain unaltered will better protect the public waterbody and therefore be consistent with the intents of the statute.
5. The proposed project will not injure the public or private rights of others.
6. Granting the variance will be consistent with the public interest as the existing septic system is outdated and a potential health hazard.
7. Granting the variance will do substantial justice by allowing the property owner to maintain and enjoy a significant property right

while upholding the spirit of the CSPA and preserving the private rights and interests of the public.

CSPA PERMIT W/WAIVER

2009-00109 PECKHAM, CYNTHIA
ALTON Wentworth Lake

Requested Action:

Impact 10,736 sq ft to demolish and replace nonconforming structure and install new septic.

Inspection Date: 04/17/2009 by Grant E Mecozzi

APPROVE PERMIT:

Impact 10,736 sq ft to demolish and replace nonconforming structure and install new septic.

WAIVER APPROVED: RSA 483-B:9,II,(b) is waived to allow the expansion of a primary structure that encroaches upon the primary building setback.

With Conditions:

1. All work shall be in accordance with plans dated March 26, 2009 and received by the Department of Environmental Services ("DES") on March 30, 2009.
2. No more than 29.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Any work in the bank or bed of the lake shall require a Wetlands permit.
4. The project as proposed will leave approximately 40 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. No more of the Natural Woodland Buffer beyond the primary building setback can be altered in order to comply with RSA 483-B:9, V, (b), (2).
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This approval includes a Waiver of RSA 483-B:9 II(b),and, therefore, shall not be effective until it has been recorded at the Belknap County Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.

With Findings:

1. The existing non-conforming structure is located within the 50 ft primary building setback to Lake Winnepesaukee and, therefore, fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
3. The project as proposed would result in the decrease of impervious surfaces from 45.3% to 29.5%.
4. The applicant has proposed to decrease pervious surfaces, use pervious technologies, and included a stormwater management

plan, and therefore, meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

HEARINGS

2009-00372

LACONIA AIRPORT AUTHORITY

GILFORD Prime Wetland #16

PRIME WETLANDS HEARING: 04/20/2009 01:30:00 PM

Impact 10,688 sq. ft. of previously disturbed upland area within the 100 ft. buffer of prime wetland #16 to rehabilitate the airport runway pavement, add highmast lights and electrical improvements.